



**National Science Foundation**  
Division of Acquisition and Cooperative Support  
4201 Wilson Boulevard, Room 475  
Arlington, Virginia 22230

August 29, 2008

Ms. Fay Ott  
U.S. Small Business Administration  
Washington, D.C. 20416

Dear Ms. Ott:

Please see the attached NSF response containing our FY 09 Small Business Procurement Scorecard Plan Report. If you have any questions or need additional information please contact the undersigned at 703-292-7082 or via e-mail at [dsenich@nsf.gov](mailto:dsenich@nsf.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Senich", written over a horizontal line.

Dr. Donald Senich  
Director  
Office of Small and Disadvantaged Business Utilization

Enclosure:

Attachment 1, NSF Small Business Procurement Scorecard Plan Report for FY 09

The NSF Small Business Procurement Scorecard Plan Report for FY 2009  
(August 29, 2008)

1. Implemented strategic plan to increase the number of competitively awarded contracts to small business during the period.

Plan: The NSF has implemented a strategic plan for FY 2009 addressing increasing the number of competitively awarded contracts to small business. (see Attachment 1)

As outlined in the FY 2009 Strategic Plan and the Staff Memorandum issued by the Director and Deputy Director of the NSF on June 11, 2008 (see Attachment 2), NSF will provide maximum practicable acquisition opportunities to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. Such concerns must also have the maximum practicable opportunity to participate as subcontractors in the contracts awarded by the NSF, consistent with efficient contract performance.

This small business acquisition policy is a shared responsibility among all the NSF employees involved in the acquisition process. Through a unified team approach involving senior management, small business personnel, acquisition personnel, and technical/program staff, the NSF can support both its critical national mission and the important public policy objective of small business inclusion in the acquisition program.

The NSF small business policy has been implemented by creating the Office of Small and Disadvantaged Business Utilization which is headed by a Senior Executive Service (SES) member who reports directly to the NSF Office of the Director, developing small business goals with SBA, working in partnership with the SBA Procurement Center Representative (PCR), and establishing small business policies and procedures in Chapter 9 of the NSF Contracting Manual (see Attachment 3) and additional OSDDBU review requirements in accordance with Exhibit 20-16, Review and Approval Matrix, to the NSF Contracting Manual (see Attachment 4).

With the support of our Chief Financial Officer, the NSF Contracts Branch has also implemented a substantial planning effort which includes focus on small business participation. The NSF Contracts Branch tasked the Program Offices to indicate all of their planned actions, including competitive actions, in an Advance Acquisition Plan (AAP) for FY 2008. The completed AAP was placed on the NSF public website which allowed small business to review the document and allow them more time to plan and prepare for the NSF competitive acquisitions (see Attachments 5, 6 and 7). This AAP also has assisted the Contracts Branch, Program Offices and the Office of Small and Disadvantaged Business Utilization (OSDBU) in the early acquisition planning stage of competitive acquisitions. The Contracts Branch has worked closely with our Office of Small and Disadvantaged Business Utilization, to ensure that each potential procurement is given full consideration for small business participation. Since the OSDBU and Contracts Branch will have a better idea of the acquisitions scheduled to take place, they

have been able to better assist the Program Offices in market research to identify small business opportunities.

2. Demonstrated top-level Agency commitment to small business contracting during the period.

Plan: A Senior Executive Service (SES) member serves as the OSDDBU Officer at the NSF. Consequently, the events that are planned to be attended by the NSF OSDDBU mentioned in item 3 below demonstrate the NSF agency senior official support.

Furthermore, the NSF's Director and Deputy Director issued a documented expression of commitment to small business contracting through the NSF-wide Staff Memorandum dated June 11, 2008 (see Attachment 2). The memorandum, sent out to all the NSF staff, expresses the NSF's senior leadership's commitment to providing maximum practicable acquisition opportunities to small business, veteran-owned small business, service-disabled veteran-owned small business, Historically Underutilized Business Zone (HUBZone) small business, small disadvantaged business, and women-owned small business concerns. It also indicates that "Such concerns must also have the maximum practicable opportunity to participate as subcontractors in the contracts awarded by the NSF, consistent with efficient contract performance". The memorandum is available for viewing by all the NSF personnel on the NSF Infoshare system (see Attachment 8). In FY 2009, this memorandum will be referenced in a notice to be placed quarterly on the NSF Announcement Channel which is a communication tool used to announce employee-related information, events, and activities on large monitors in every elevator lobby throughout the NSF (see Attachment 9 for draft copy of announcement).

3. Executed significant events to increase small business participation in the procurement process during the period.

Plan: In FY 2009, the NSF OSDDBU plans to attend the following events to increase small business participation in the procurement process:

- OSDDBU Annual Director's Conference – April 2009/1000 attendees
- Teaming to Win – May 2009/350 attendees
- South Texas Procurement Conference – December 2008/400 attendees
- Minority Enterprise Development Week – September 2009
- Congresswoman Norton and Congressman Moran local procurement fairs – 2009/up to 300 attendees
- SBA's Small Business Advisory Council - Monthly/30-40 officials
- OSDDBU Director's Council – Monthly/30 officials

- OSDBU Annual Director's Conference – April 2009/1000 attendees
- Other events may be added based on timing and availability of funds

In early FY 2009, the NSF plans to complete implementation of a searchable Vendor Resource Library consisting of an internal database of vendors that can be accessed for market research purposes and generating source lists for upcoming procurements. The database contains information regarding the capabilities of various businesses that have expressed an interest in doing business with the NSF. NSF Contractors can register and include their capabilities into the Library through the NSF Contracting Opportunities page (see Attachment 10). The library can be searched by keyword, state, business size, or NAICS code (see Attachment 11). Currently, only DACS personnel have access to the search function, but this capability will be made available to the NSF Program Offices by early FY 2009 (see Attachment 12). At that time, an NSF-wide notice will be sent alerting the entire acquisition community of this valuable market research tool. (see Attachment 13 for draft notice language).

The NSF plans to implement a Small Business Vendor Conference Scheduler in FY 2009 that will allow the NSF program office personnel to sign up to attend monthly presentations from small business vendors interested in doing business with the NSF. This will be a great opportunity for small business to show the NSF program community how they can meet the needs of the NSF.

In addition, the OSDBU and the DACS Focal Point for Small Business Concerns plan to continue to hold one on one meetings and teleconferences with small business concerns throughout FY 2009 on request. During these meetings/teleconferences, vendors are walked through the various resources available to small business at the NSF (Advance Acquisition Plan, Vendor Resource Library, ...etc.)

4. Demonstrates that small business data is accurately reported in FPDS-NG during the period

Plan: The NSF plans to ensure small business data is accurately reported in FPDS in FY 2009 through the following methods:

(a) The Contracts Branch Chief plans to continue to emphasize the importance of accurately reporting small business data into FPDS-NG during bi-weekly staff meetings attended by all Contracts Branch personnel (see past examples contained in Staff Meeting Notes at Attachment 14 through 16).

(b) The NSF plans to continue to use our Contracting Oversight Program established on May 31, 2007 in ensuring that small business data is accurately reported in FPDS-NG. This program, detailed in Chapter 14 of the NSF Contracting Manual (see Attachment 17), states that the Contracting Officer, with the assistance of the Contract Specialist, is responsible for ensuring all work

products are reviewed and approved in accordance with the FAR (section 14.1.3 of the NSF Contracting Manual). This includes the requirements of FAR 4.6, Contract Reporting. Therefore, 100% of all contracts/orders and subsequent modifications, and therefore small business data entered into FPDS-NG, are reviewed and approved by warranted Contracting Officers. In addition, section 4.5.5 of the NSF Contracting Manual specifically addresses entering FPDS data as well as including the final FPDS printout in contract/order files.

The NSF Contracting Oversight Program includes requirements for pre-award reviews over \$1M for non-FSS/GWAC and over \$5M for FSS/GWAC by the Contracts Branch Policy team and approval by the Contracts Branch Chief, or the Senior Procurement Executive. The Contracts Branch Policy team consists of personnel that do not award the contracts being reviewed. The Contracting Oversight Program includes the use of a review checklist that the Contracts Branch Policy team uses during its review. Contracting Officers and Contract Specialists have access to the checklist as well. The checklist has an item to remind the reviewer to ensure FPDS-NG is included and properly completed (see Attachment 18).

The Contracts Branch Chief will continue to require at least two members of the Contracts Branch (including the Contracting Officer) to review a contract file prior to award. This is intended catch errors such as miscoding small business data in the FPDS-NG reports for files that do not undergo pre-award reviews.

(c) The Automated Acquisition Management System (AAMS), the contract writing system used by the NSF, contains FPDS-NG anomaly reporting tools that have been used by the Contract Branch Policy Team to assist in the verification and validation process of FPDS-NG actions. The reports contain a list of FPDS-NG actions that have failed FPDS-NG validation or FPDS-NG actions that have not been approved in AAMS. The Contract Branch Policy Team plans to continue to use these reporting tools in FY 2009 (see past examples of these reports at Attachment 19 and 20).

(d) The NSF Contract Branch Policy Team plans to continue to provide a quality assurance check of FPDS-NG actions during the validation and verification process of the NSF FPDS-NG data including the review of a statistically valid random sample of FPDS-NG actions for accuracy of small business data. The FY 2009 NSF validation and verification of FPDS-NG data is planned to be conducted similar to the NSF FPDS Data Quality Plan for FY 2008 (see Attachment 21). This plan implements the requirements contained in Office of Federal Procurement Policy letter entitled, "Improving Acquisition Data Quality – FY 2008 FPDS Data, dated May 9, 2008 (see Attachment 22).

5. Demonstrates that policies and procedures are in place to ensure compliance with subcontracting plans and attainment of subcontracting goals during the period.

Plan: The NSF plans to ensure compliance with subcontracting plans and attainment of subcontracting goals. The NSF is a participant in the eSRS Usergroup Meetings and has assigned a prime and alternate Electronic Subcontracting Reporting System (eSRS) Change Control Board Member. The NSF is using eSRS to manage compliance with subcontracting goals and to ensure attainment of subcontracting goals. In Chapter 9 of the NSF Contracting Manual (see Attachment 3), it indicates that Contracting Officers must monitor individual and summary subcontractor reports and that Contracting Officers should expect to see an explanation from the contractor if percentage goals are not met. On June 12, 2008 a DACS policy e-mail was sent out to the Contracts Branch indicating that eSRS is now the system that shall be used by contractors to report subcontracting and that if the prime contractor is not meeting any of the approved small business goals, as reported in the eSRS, the Contracting Officer shall investigate, provide a reason, and document any corrective action taken (see Attachment 23). The information in this e-mail will be incorporated in the next iteration of the NSF Contracting Manual.

In accordance with the DACS policy e-mail at Attachment 23, the DACS Policy Team plans to perform an eSRS run by the end of the fourth quarter of FY 2009 and review the necessary data to ensure Contracting Officers are comparing subcontracting plans to subcontracting performance and that the NSF policy guidance is being followed in regards to eSRS. A report of the results of this review will be sent to the Contract Branch Chief and OSDDBU.

6. Demonstrated no unjustified bundling has taken place during the period.

Plan: The NSF plans to ensure no unjustified bundling has taken place during FY 2009 by doing the following:

(a) The NSF OSDDBU is required to review all acquisitions not set aside for small business over the simplified acquisition threshold per the NSF Contracting Manual Section 9.2 (see Attachment 3). This review takes place in the acquisition planning phase allowing the OSDDBU to ensure no unjustified bundling is being planned in FY 2009.

(b) The NSF Contracting Branch issued an updated Acquisition Plan Guide in FY 2008 to be used by the Program Offices and the Contracts Branch in preparing Acquisition Plans in accordance with FAR 7.105. This updated guide includes specific instructions to address the impact of any bundling that might affect participation in an upcoming acquisition. In addition, if the proposed acquisition strategy involves bundling, the guide will require identification of the incumbent contractors and contracts affected by the bundling (see section B(1)(B) of Attachment 24). Acquisition Plans are required for NSF acquisitions over \$1 million dollars and all must be coordinated with Contracts Branch Chief (including the Contract Policy Team) and the Office of the General Counsel. In accordance with FAR 7.104(d)(2)(i), the NSF requires Acquisition Plans over \$2M to be coordinated with the OSDDBU. In addition, competitive solicitation documents and files are also reviewed prior to release by the Contract Policy

Team for competitive actions over \$1 million dollars and all must be coordinated with Contracts Branch Chief and the Office of the General Counsel. These reviews are an additional safeguard to ensure that no unjustified bundling takes place in FY 2009.

(d) The NSF Contracts Branch Policy Team will continue to provide a quality assurance check during the validation and verification process of NSF FPDS-NG data to ensure no unjustified bundling has taken place (see process described in item 4(d) above).

(e) The FPDS Report entitled "Bundled and Consolidated Contracts Greater Than or Equal to \$5 Million" will be utilized by the Contracts Branch Policy Team in FY 2009 to detect any actions coded as consolidated or bundled. This report displays the actions and dollars for Bundled and Consolidated Contracts Greater Than or Equal to \$5 million and will be run on a quarterly basis in FY 2009 (see an example of this report that was run in FY 2008 at Attachment 25).

7. Demonstrated training to contracting staff/managers in executing small business/socioeconomic procurements during the period.

Plan: In May 2009, the Division of Acquisition and Cooperative Support (DACS) Policy Team and the OSDDBU plan to conduct a training session to the Contracts Branch focusing on small business and socioeconomic programs and issues. Program officials will also be invited to attend this training session. This training will be an updated version of the NSF small business training held on May 29, 2008 (see training charts at Attachment 26).

The DACS Contract Branch Chief plans to continue to use the bi-weekly Contract Branch Staff Meeting to remind all staff of small business related issues, including but not limited to the importance of meeting small business goals and proper FPDS coding of small business related items. (see past examples contained in Staff Meeting Notes at Attachments 14 through 16).

The NSF now maintains on its Contracting Branch Intranet site links to the Small Business Goaling Program, Small Business Statistics Goals, SBA website, Small Business Related Laws and Regulations and the current Partnership Agreement between the SBA and the NSF (see Attachment 27). In FY 2009 this site will be expanded to include links to the NSF FY 2009 Small Business Strategic Plan (see Attachment 1), the NSF FY 2008 small business training charts (see Attachment 26), and the NSF Vendor Resource Library (see Attachment 12).

8. Collaborate with SBA on formulation of small business procurement policy initiatives during the period.

Plan: The NSF's OSDDBU plans to collaborate with SBA on formulation of small business procurement policy initiatives during FY 2009 by participating in the Small Business

Procurement Advisory Council, OSDDBU Directors monthly meetings, and in small business procurement policy discussions.

9. Agency submits all strategic plans and reports annual reports that are due to SBA.

Plan: The NSF plans to submit the following strategic plans and reports to SBA:

REPORT NAME	PLANNED DUE DATE TO SBA
Small Business Innovation Research (SBIR) Annual Report	March 15 <sup>th</sup>
Small Business Technology Transfer (STTR) Annual Report	December 31st
Annual Report and Fiscal Year Update for Strategic Plan to Contract with Service-Disabled Veteran-Owned Small Businesses (SDVOSB)	January 31st
Annual Contract Bundling Report	January 31st
Progress Report on Increasing Opportunities for Women-Owned Small Businesses	August Scorecard (FY2009 Plan), January 31st Scorecard (FY2008 Progress)
Corrective Actions to Address Unmet FY 2008 Socio-Economic Goals	January 31st

Note: The NSF is not a participating agency in the Small Business Competitive Demonstration Program and therefore is not required to submit the Small Business Competitive Demonstration Program Report due January 31, 2009.



## **The NSF FY 2009 Small Business Strategic Plan**

The NSF plans to increase the value of competitively awarded contracts to small business during FY 2009 by following a four part strategy consisting of (1) acquisition community awareness of importance of small business, (2) continued emphasis on small business oversight, (3) full implementation of the NSF Vendor Resource Library, and (4) continued increased emphasis on planning.

### **1. Acquisition Community Awareness of Importance of Small Business -**

a. The NSF's Director and Deputy Director issued a documented expression of commitment to small business contracting through the NSF-wide Staff Memorandum dated June 11, 2008. The memorandum, sent out to all the NSF staff, expresses the NSF's senior leadership's commitment to providing maximum practicable acquisition opportunities to small business, veteran-owned small business, service-disabled veteran-owned small business, Historically Underutilized Business Zone (HUBZone) small business, small disadvantaged business, and women-owned small business concerns. It also indicates that "Such concerns must also have the maximum practicable opportunity to participate as subcontractors in the contracts awarded by the NSF, consistent with efficient contract performance". The memorandum is available for viewing by all the NSF personnel on the NSF Infoshare system. In FY 2009 this memorandum will be referenced in a notice to be placed quarterly on the NSF Announcement Channel.

b. In FY 2009, the NSF OSDBU plans to attend the following events to increase small business participation in the procurement process:

- OSDBU Annual Director's Conference – April 2009/1000 attendees
- Teaming to Win – May 2009/350 attendees
- South Texas Procurement Conference – December 2008/400 attendees
- Minority Enterprise Development Week – September 2009
- Congresswoman Norton and Congressman Moran local procurement fairs – 2009/up to 300 attendees
- SBA's Small Business Advisory Council - Monthly/30-40 officials
- OSDBU Director's Council – Monthly/30 officials
- OSDBU Annual Director's Conference – April 2009/1000 attendees
- Other events may be added based on timing and availability of funds

c. In May 2009, the Division of Acquisition and Cooperative Support (DACS) Policy Team and the OSDBU plan to conduct a training session to the Contracts Branch focusing on small business and socioeconomic programs and issues. Program officials will also be invited to attend this training session.

d. The DACS Contract Branch Chief plans to continue to use the bi-weekly Contract Branch Staff Meeting to remind all staff of small business related issues, including but not limited to the importance of meeting small business goals and proper FPDS coding of small business related items.

e. In FY 2009 the small business portion of the Contracting Branch Intranet site devoted to small business will be expanded to include links to the NSF FY 2009 Small Business Strategic Plan, the NSF small business training charts, and the NSF Vendor Resource Library.

f. The NSF plans to implement a Small Business Vendor Conference Scheduler in FY 2009 that will allow the NSF program office personnel to sign up to attend monthly presentations from small business vendors interested in doing business with the NSF. This will be a great opportunity for small business to show the NSF program community how they can meet the needs of the NSF.

g. By continuing to demonstrate NSF top-level support and educational awareness of small business requirements in FY 2009, it is expected that the entire NSF acquisition community will be energized to increase the use of small business, woman owned small business (WOSB), small disadvantaged business (SDB), historically underutilized business zone (HUBZone), and small disadvantaged veteran owned business (SDVOSB) contractors.

## 2. Continued Emphasis on Small Business Oversight -

a. In FY 2009, the NSF will continue to implement strict adherence to the revised oversight policies established in FY 2007 dealing with small business. The NSF's small business policies and procedures are contained in Chapter 9 of the NSF Contracting Manual and Exhibit 20-16, Review and Approval Matrix, to the NSF Contracting Manual. These policies state that the OSDBU will review all acquisitions over the simplified acquisition threshold to determine if small and disadvantaged business concerns receive adequate consideration for set-asides and if possibilities of breaking out items/services for set-aside exist. The OSDBU is also required to coordinate on Acquisition Plans over \$2M that are not set aside for small business.

b. The NSF Contracting Manual establishes its contracting oversight program in Chapter 14. This program requires all competitive acquisitions over \$1M to receive a DACS Contract Policy Team review of the Acquisition Plan package, solicitation file prior to release of solicitation, and contract file prior to award. The primary review member of the DACS Contract Policy Team has prior experience as the small

business representative at his previous organization. Therefore, he is particularly sensitive to small business issues during reviews.

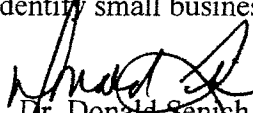
c. As these new policies become more entrenched, it is expected that more set asides will be accomplished resulting in an increase in the use of small business, WOSB, SDB, HUBZone, and SDVOSB contractors.

3. Full Implementation of the NSF Vendor Resource Library –

a. In FY 2009, the NSF plans to complete implementation of the searchable Vendor Resource Library. The database contains information regarding the capabilities of various businesses that have expressed an interest in doing business with the NSF. NSF Contractors can register and include their capabilities into the Library through the NSF Contracting Opportunities page. The library can be searched by keyword, state, business size, or NAICS code. Currently, only DACS personnel have access to the search function, but this capability is planned to be made available to Program Offices by early FY 2009. An NSF-wide notice will be issued alerting the entire acquisition community of this market research tool. The use of this tool by Program Offices is expected to contribute to an increase in the use of small business, WOSB, SDB, HUBZone, and SDVOSB contractors in FY 2009.

b. In addition to finalizing implementation of the Vendor Resource Library, the OSDBU and the DACS Focal Point for Small Business Concerns plan to continue to hold one on one meetings and teleconferences with small business concerns throughout FY 2009 on request.

4. Continued Increased Emphasis on Planning - With the support of the Chief Financial Officer, the NSF Contracts Branch has increased emphasis on the annual acquisition planning effort which includes focus on small business participation. At the start of FY 2009, the NSF Contracts Branch will task the Program Offices to indicate all of their planned actions, including competitive actions, in an Advance Acquisition Plan (AAP). The completed AAP will be placed on the NSF public website which will allow small business to review the document and allow them more time to plan and prepare for NSF competitive acquisitions. The AAP will also assist the Contracts Branch, Program Offices and the Office of Small and Disadvantaged Business Utilization (OSDBU) in the early acquisition planning stage of competitive acquisitions. The Contracts Branch will work closely with OSDBU, to ensure that each potential procurement is given full consideration for small business participation. Since the OSDBU and Contracts Branch will have a better idea of the acquisitions scheduled to take place, they will better assist the Program Offices in market research to identify small business opportunities.

  
Dr. Donald Senich  
Director

Office of Small and Disadvantaged Business  
Utilization

**NATIONAL SCIENCE FOUNDATION**  
**Arlington, VA 22230**

**Staff Memorandum**

**O/D 08-07**

**June 11, 2008**

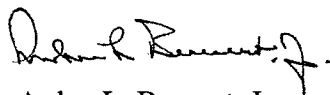
**ADMINISTRATION**

**SUBJECT: Small Business Procurement Program**

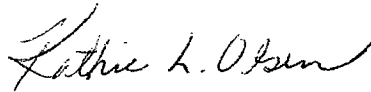
We would like to take this opportunity to express NSF's senior leadership's commitment to providing maximum practicable acquisition opportunities to small business, veteran-owned small business, service-disabled veteran-owned small business, Historically Underutilized Business Zone (HUBZone) small business, small disadvantaged business, and women-owned small business concerns. Such concerns must also have the maximum practicable opportunity to participate as subcontractors in the contracts awarded by NSF, consistent with efficient contract performance.

Fulfilling small business acquisition policy is a shared responsibility among all NSF employees involved in the acquisition process. Through a unified team approach involving senior management, the Office of Small and Disadvantaged Business Utilization, acquisition personnel, and program staff, NSF can support both its critical national mission and the important public policy objective of small business inclusion in the acquisition program.

If you have questions about NSF's Small Business Program, please contact Dr. Donald Senich, our Small and Disadvantaged Business Utilization Officer, at x7082.



Arden L. Bement, Jr.  
Director



Kathie L. Olsen  
Deputy Director

Distribution: All Staff

## Chapter 9: SMALL BUSINESSES

### 9.1 Introduction

Public Law requires that the government contract with Small Businesses. The Contracting Officer is responsible for assisting Small Business concerns. This function is monitored by the NSF Office of Small and Disadvantaged Business Utilization/Office of Small Business Research and Development (OSBDU/OSBRD) who maintains a program to identify Small Businesses that can compete for Government contracts.

### 9.2 OSBDU/OSBRD Review

The OSBDU/OSBRD is responsible for reviewing all acquisitions over the simplified acquisition threshold. The purpose of this review is to determine whether Small and Disadvantaged Business concerns receive adequate consideration for set-asides and for possible breakout of items and services from large procurements which are suitable for performance by small and disadvantaged business concerns. OSBDU/OSBRD review should occur as early as possible to prevent any delay in awarding the contract. The contract specialist shall supply the OSBDU/OSBRD with the SOW, JOFOC, if applicable, and market research. **Note: An OSBDU/OSBRD review form is under construction.** The documents forwarded to the OSBDU/OSBRD should include a full description of the extent of training and experience necessary for required personnel; a listing of any special equipment or facilities needed to perform the project; the criteria that will be used in evaluating proposals; and if the acquisition is a re-competition, a brief description of prior small business participation. Incomplete information may lead to unnecessary delays in determining whether a project should be set aside. A small business or 8(a) firm can be recommended by the Contracting Officer or Program Officer prior to the OSBDU/OSBRD review.

### 9.3 Set-Asides for Small Business

#### 9.3.1 Set-Aside Acquisitions

If the Contracting Officer determines that an acquisition expected to exceed \$100K cannot be set aside for small business, he/she should document the contract file by including the determination in the Abbreviated Acquisition Plan or Acquisition Plan (see [Chapter 3](#) of this manual). For purchases \$100K or less that are not otherwise exempt, indicate the reason for purchase on an unrestricted basis on the Recommendation for Simplified Acquisition form (see [Appendix C](#) of this manual). The Plan must be reviewed and approved in accordance with the Review and Approval Matrix at [Exhibit 20-16](#) of this manual.

## **9.4 Certificates of Competency and Determinations of Responsibility**

### **9.4.1 Procedures**

In addition to taking those actions prescribed in FAR 19.602, upon determining and documenting that a responsive small business lacks certain elements of responsibility, the Contracting Officer shall immediately notify the NSF OSBDU/OSBRD. If the Contracting Officer believes that the Foundation should appeal the SBA decision, the Contracting Officer shall immediately notify the Contracts Branch Chief (CBC) and the NSF OSBDU/OSBRD, in addition to any other required notifications. The Contracting Officer shall prepare the appeal file and submit it through the CB Policy Team to the NSF OSBDU/OSBRD to the CBC and then to the Procurement Executive, for submission to the SBA.

## **9.5 Subcontracting With Small Business, Small Disadvantaged Business and Women-Owned Small Business Concerns**

### **9.5.1 Responsibilities of the Contracting Officer Under the Subcontracting Assistance Program**

If the acquisition requires a subcontracting plan, the solicitation must include the offeror's subcontracting plan as an evaluation factor for award. Pursuant to Public Law 95-507, the OSBDU/OSBRD will participate in the evaluation and review of subcontracting plans prior to award. This will ensure that prime contractors submit acceptable subcontracting plans. Small business concerns and foreign contractors receiving contracts over \$550,000 (\$1,000,000 in the case of construction contracts) are exempt. Final determination of acceptability is the responsibility of the Contracting Officer.

### **9.5.2 Responsibilities of the Cognizant Administrative Contracting Officer**

The Contracting Officer must monitor receipt of the contractor's SF 294, "Subcontracting Report for Individual Contracts", reports and, if applicable, SF 295, "Summary Subcontract Report", reports for contracts with subcontracting plans. If percentage goals are not met, the contractor should explain in the "Remarks" block of the subcontracting report. The Contracting Officer may require the contractor to submit evidence of efforts to provide subcontracting opportunities to small business, including HUB Zone, small disadvantaged, and women-owned concerns.

## **9.6 Contracting With the Small Business Administration (The 8(A) Program)**

Note: Please consult FAR 19.8 for a description of the 8(a) program.

### **9.6.1 Evaluation, offering, and acceptance**

Under an April 2007 Partnership Agreement between NSF and SBA, SBA delegated its contract execution authority for 8(a) contracts. The delegation streamlines the acquisition process for requirements not exceeding the simplified acquisition threshold (SAT) by eliminating offering letters and acceptance letters. For acquisitions over the SAT, the agreement expedites the process by shortening the period of SBA's acceptance of the requirement for the 8(a) program from 15 working days to 5 working days, and eliminating the requirement for multiple copies of the award document, SBA's signature, and the tripartite agreement.

The SBA remains the prime contractor on all 8(a) contracts, and the 8(a) participant remains the SBA's subcontractor.

### **9.6.2 Procedures**

#### *Acquisitions at or under the SAT:*

For acquisitions over the micro purchase threshold but not over the SAT, use the simplified acquisition procedures of FAR 13 to issue purchase orders or contracts to 8(a) participants. The Contracting Officer is not required to send offering letters to, nor obtain acceptance letters from, SBA. Use *PRO-Net* to support a determination of eligibility. The Contracting Officer may negotiate price directly with the selected 8(a) firm and issue an order in accordance with FAR 13. The Contracting Officer shall forward a copy within 5 days of award to the SBA District Office serving the 8(a) firm. The SBA will review the eligibility of the 8(a) participant within two working days after receipt of a copy of the signed purchase order. Unless SBA issues a negative eligibility determination within that time, the 8(a) contractor will be authorized to begin performance.

#### *Acquisitions exceeding the SAT:*

The Contracting Officer shall advertise competitive 8(a) acquisitions on FedBizOpps in accordance with FAR 5.101(a)(1) and provide a copy of the announcement to the SBA's coordinating office.

In addition to the requirements of FAR 19.804-2, the offering letter must state that the requirement is being offered under the NSF/SBA Partnership Agreement, *and* ask SBA to fax or e-mail its acceptance letter to NSF.

SBA will determine the eligibility of the firm(s) and advise within 5 working days of the receipt of the request. If SBA determines the firm is ineligible, then the Contracting Officer should submit information on the next low offeror or next apparent successful offeror (as applicable) to the cognizant SBA district office.

If SBA fails to transmit an acceptance or rejection of the offering within 5 days of SBA's receipt of the offering letter, the Contracting Officer may assume that SBA has accepted the requirement and proceed with the acquisition.

The acceptance letter includes all elements of eligibility (e.g., determination of adverse impact, North American Industry Classification System (NAICS) code appropriateness, and program eligibility) of the recommended 8(a) contractor. SBA will make a final determination of size eligibility for the procurement as of the date of the 8(a) concern's initial offer that includes price.

When required by FAR 15.4, the Contracting Officer should obtain cost or pricing data directly from the 8(a) contractor.

### **9.6.3 Preparing the contracts**

#### *Sole Source:*

The award form must cite 41 U.S.C. 253(c)(5) and 15 U.S.C. 637(a)(21) as the authority for use of other than full and open competition. SBA's requirement number should be included on the contract for acquisitions exceeding the SAT. A single award document between NSF and the 8(a) contractor is sufficient, signed by the Contracting Officer who is identified as having concurrent authority under the Agreement to enter into 8(a) contracts (i.e., an SBA signature is not required). The "Issued by" block must identify NSF as the awarding agency. The SBA district office for the 8(a) Participant shall be identified in the award document.

Based on the delegated authority described in the Partnership Agreement between the SBA and NSF (see Section 9.6.1 above), the 8(a) contractor shall sign the award document as the contractor. Their name and address should appear in the "awarded to" or "contractor name" block on the appropriate forms. The SBA is not required to sign the award document. The contract shall contain language stating that even though the SBA may not be identified in Section A of the contract, it is still the prime contractor on the contract. The SBA district office for the 8(a) Participant shall be identified in the award document.

#### *Competitive:*

The process for obtaining signatures shall be as specified in the section directly above labeled "Sole Source".

#### *Contract Clauses:*

Insert the following clauses in solicitations, contracts, and orders issued under the SBA Partnership Agreement:

- NSF Clause Section 8(a) Direct Award (see Appendix B, clause NSF 10)



- FAR 52.219-14, Limitation on Subcontracting

- FAR 52.219-18, Notification of Competition Limited to Eligible 8(a) Concerns. Substitute the paragraph below for paragraph (c) of the clause. Add the word "Deviation" at the end of the clause title.

"(c) Any award resulting from this solicitation will be made directly by the Contracting Officer to the successful 8 (a) offeror selected through the evaluation criteria set forth in this solicitation."

- Do *not* use the clauses at FAR 52.219-11, Special 8(a) Contract Conditions, FAR 52.219-12, Special 8(a) Subcontract Conditions, or FAR 52.219-17, Section 8(a) Award.

#### **9.6.4 Contract administration**

Awards under the SBA Partnership Agreement are subject to 15 U.S.C. 637(a)(21). These contracts and orders shall contain the clause, NSF 10 - "Section 8(a) Direct Award," (see Appendix B of this manual) that requires the 8(a) contractor to notify the SBA and the Contracting Officer when and if ownership of the firm is being transferred (novation).

For any contract or purchase order awarded pursuant to the Partnership Agreement, the Contracting Officer must coordinate contract termination (see Section 5.10, "Termination", of this manual) and novation proceedings with SBA prior to initiating action.

## REVIEW AND APPROVAL MATRIX

	Technical Management	Contracting Officer	Small Business Officer	Competition Advocate	Office of the General Counsel	Branch Chief	Senior Procurement Executive	NSF Deputy Director	NSF Director
Synopsis		A							
Synopsis Waiver	R	R				A			
JOFOC & Supporting Synopsis/Limited Source Just. Over \$11.5M	R	R		R	R	R	A		
JOFOC & Supporting Synopsis/Limited Source Just. Over \$550K Up To \$11.5M	R	R		A	R	R			
JOFOC & Supporting Synopsis//Limited Source Just. Over \$100K Up To \$550K	R	R			R <sup>1</sup>	A			
JOFOC & Supporting Synopsis/Limited Source Just. Up To \$100K	R	A			R <sup>1</sup>				
Acquisition Plan Over \$10M <sup>2</sup>	R	R	R	C <sup>4</sup>	R	R	A		
Acquisition Plan Over \$1M, NTE \$10M <sup>2</sup>	R	R	R <sup>3</sup>	C <sup>4</sup>	R	A			
Abbreviated Acquisition Plan Over \$100K, NTE \$1M	R	A		C <sup>4</sup>					
Award Fee or Award Term Plans	R	R			R	R	A		
Competitive FSS/GWAC Task Order RFQ/RFP Over \$10M	R	R			R	R	A		
Competitive FSS/GWAC Task Order RFQ/RFP Over \$5M, Up To \$10M	R	R			R	A			
Competitive FSS/GWAC Task Order RFQ/RFP Up To \$5M	R	A							
Non Competitive RFQ/RFP	R	A							
Competitive RFP Over \$10M	R	R			R	R	A		
Competitive RFP/RFQ Over \$1M, Up To \$10M	R	R			R	A			
Competitive RFP/RFQ, Up To \$1M	R	A							

	Technical Management	Contracting Officer	Small Business Officer	Competition Advocate	Office of the General Counsel	Branch Chief	Senior Procurement Executive	NSF Deputy Director	NSF Director
Contract Award (Non-Competitive) and Modifications Over \$10M (Includes FSS/GWAC Orders) (Excludes Incremental Funding)	R	R			R	R	A		
Contract Award (Non-Competitive) and Modifications Over \$1M, Up To \$10M (Includes FSS/GWAC Orders) (Excludes Incremental Funding)	R	R			R	A			
Contract Award (Non-Competitive) and Modifications Up To \$1M (Includes FSS/GWAC Orders)	R	A							
Contract Award (Competitive) Over \$10M (Includes FSS/GWAC Orders) <sup>5</sup>	R	R			R	R	A		
Contract Award (Competitive) Over \$1M, Up To \$10M (Includes FSS/GWAC Orders) <sup>5</sup>	R	R			R	A			
Incremental Funding	R	A							
Ratification	R	R			R	R	A		
Reject SBA Recommendations	R	R	R		R	R	A		
Unusual Financing/Progress payments	R	R			R	R	A		
Letter Contracts	R	R			R	R	A		
Interagency D&F (Agency not covered by FAR 17.503(c))		R				R	A		
Interagency D&F (Agency covered by FAR 17.503(c))		A							
Advanced Agreements (FAR 31.109)	R	R			R	R	A		
Deviations (FAR 1.403 and 1.404)	R	R			R	R	A		
Undefined Contract Actions Over \$1M	R	R			R	R	A		
Undefined Contract Actions Up To \$1M	R	R				A	I		
Terminations	R	R			R	A	I		
Protests (Decisions/Responses) <sup>6</sup>	R	R			R	R	A		
Claims/Requests for Equitable Adjustments/Disputes	R	R			R	A	I		
Competitive Sourcing	R	R			R	R	A		

	Technical Management	Contracting Officer	Small Business Officer	Competition Advocate	Office of the General Counsel	Branch Chief	Senior Procurement Executive	NSF Deputy Director	NSF Director
Lease to Purchase Arrangements Over \$500K	R	A			R	C			
Novations	R	A			R	C			
Intellectual Property Licenses (including Software Licenses)	R	A			R	C			
FOIAs <sup>7</sup>		R			A <sup>8</sup>	R			
Debarment or Suspension Actions (See NSF FAR Sup)	C	C			C	C	C	A	
Mistakes in Bids <sup>9</sup>	R	R			R	R	R		A
Other Sensitive, High Visibility or Complex Procurement Actions	R	A			R/C	R/C	C/I		
All Procurement Actions required to be reviewed /signed by the SPE	R/C	R				R	R/A		

R = Review

A = Approval

C = Consultation/Coordination

I = Information

<sup>1</sup> OGC shall only be required to review JOFOC's/LSJ's involving the "rehiring" of NSF employees as contractors/experts.

<sup>2</sup> Deputy Chief Information Officer (CIO) review and signature is required for acquisitions for Information Technology (IT) requirements outside of the Division of Information Systems (DIS)

<sup>3</sup> Per FAR 7.104(d)(2)(i), the Small Business Officer in the Office of Small and Disadvantaged Business Utilization/Office of Small Business Research and Development (OSBDU/OSBRD) is required to review/coordinate on acquisition strategy for contracts/orders for \$2M or more. Therefore, small business specialist shall review APs for \$2M or more.

<sup>4</sup> Per FAR 7.104(c), the Competition Advocate shall coordinate on APs for plans proposing other than full and open competition. For acquisitions over \$550K, the Competition Advocate's coordination/approval on the JOFOC shall serve as the coordination on the AP

<sup>5</sup> Reviews for Award Without Discussions occur prior to Source Selection Authority or Approval Authority Decision. Reviews for Award With Discussions occur immediately prior to award.

<sup>6</sup> In those instances where the Senior Procurement Executive has had previous personal involvement in the acquisition in question, the Director, Office of Budget, Finance and Award Management shall decide agency level protests (See Chapter 4.5.8 of the NSF Contracting Manual)

<sup>7</sup> See Chapter 11 on how to process FOIAs received by DACS

<sup>8</sup> FOIA/Privacy Act Officer in OGC

<sup>9</sup> FAR 14.407-3 appoints the Head of the Agency this authority with power of redelegation. Currently, no redelegation has been processed.

### **Best Practices**

1. Keep your technical customer informed and involved in the process.
2. Use the OGC as a resource, when in doubt ask them for advice.
3. Brief the source selection official prior to releasing a competitive solicitation.



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## National Science Foundation Forecast of Contracting Opportunities

NSF's Forecast of Contracting Opportunities contain the Foundation's projected contractual actions with an estimated value of \$100,000 or above. Also shown are existing contracts with NSF. If you have any questions regarding the opportunities presented, please contact Barbara Mitchell at (703)292-7349 or [bmitchel@nsf.gov](mailto:bmitchel@nsf.gov).

To view the NSF FY 2008 forecasts please follow the links:

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Please visit [Federal Business Opportunity](#) for all NSF synopsis, solicitations, and award notices.

Note: Both current and potential government vendors are required to possess a Dun and Bradstreet number (<http://www.dnb.com/us>) and be registered in the Central Contractor Registration (CCR) database (<http://www.ccr.gov/access.asp>) in order to be awarded contracts by any Federal agency.

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